

RESOLUTION 2023-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT 23-2502, ADOPTING THE 2021-2029 HOUSING ELEMENT UPDATE, AND INSTRUCT STAFF TO FILE A NOTICE OF DETERMINATION

WHEREAS, an application for General Plan Amendment 23-2502, to adopt the 6th Cycle Housing Element Update for the 2021-2029 planning period, has been duly filed by:

Project Location: City of Banning, Banning, CA 92220

Project Applicant: City of Banning
99 East Ramsey Street/PO Box 998
Banning, CA 92220

WHEREAS, California Government Code Section 65302(c) mandates that each city shall include a Housing Element in its General Plan. The proposed Housing Element Update is required to identify and analyze existing and projected housing needs and include statements of the City's goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. In adopting the proposed Housing Element Update, the City must consider the economic, environmental, and economic factors, in addition to the community goals as set forth in the General Plan; and

WHEREAS, many of the policies and programs contained in the proposed Housing Element Update are intended to facilitate the preservation, maintenance, and improvement of the City's existing housing stock. These programs would not change development patterns or result in any environmental impacts. However, under State law each jurisdiction is also required to demonstrate that local land use plans and zoning regulations provide development opportunities to accommodate the jurisdiction's assigned fair share of the region's new housing needs. The process by which fair share housing needs are determined is called the "Regional Housing Needs Assessment" (RHNA). The RHNA is prepared by the Southern California Association of Governments (SCAG). Once the RHNA allocations are adopted by SCAG and accepted by HCD, they become final, and no changes or judicial review are permitted under State law; and

WHEREAS, the RHNA identifies Banning's share of the regional housing need for the October 15, 2021 through October 15, 2029 projection period as 1,673 units. This total includes 155 extremely-low-income units, 162 very-low-income units, 193 low-income units, 280 moderate-income units, and 883 above-moderate-income units. State law requires the City to demonstrate the availability of adequate sites with appropriate zoning to accommodate the need for various types of housing units commensurate with the RHNA; and

WHEREAS the Planning Commission is authorized under Chapter 17.64 of the Banning Municipal Code to make a recommendation to the City Council regarding proposed General Plan Amendment 23-2502 for the adoption of the 6th Cycle Housing Element Update for the 2021-2029 planning period: and

WHEREAS, on November 24, 2023, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning of the holding of a public hearing at which the Project would be considered; and

WHEREAS, on December 6, 2023, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, proposed General Plan Amendment 23-2502.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby find and determine as follows:

SECTION 1: California Environmental Quality Act and Multiple Species Habitat Conservation Plan Findings. The Planning Commission of the City of Banning does hereby recommend that the City Council find and determine as follows:

A. CEQA. Pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the proposed Housing Element Update (the “Project”) and found that there was no substantial evidence that the Project would have a significant effect on the environment. Based on that determination, and public hearings held before the Planning Commission and City Council, a Negative Declaration was approved by the City Council in November 2021. Pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) of the California Environmental Quality Act and the CEQA Guidelines, no further analysis is required.

B. Multiple Species Habitat Conservation Plan (MSHCP). The Project is not subject to MSHCP as the Project is a policy document guiding programs that will be implemented after the proposed Housing Element Update is certified by HCD.

SECTION 2: Findings for Recommendation of Approval of General Plan Amendment 23-2502: The Planning Commission of the City of Banning does hereby recommend that the City Council find and determine that General Plan Amendment 23-2502 should be approved because:

Finding No. 1: That the proposed amendment is internally consistent with the General Plan.

Findings of Fact: California Government Code Section 65302 requires that a General Plan consist of seven (7) State-mandated elements, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. The proposed Housing Element Update is one of the seven State-mandated elements of the General Plan and must be updated every four, five, or eight years as mandated by California Government Code Section 65581. Sites for residential development

are commensurate with the Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period. The proposed programs contained within the proposed Housing Element Update will cause a future amendment of the General Plan Land Use Element, consistent with the City's RHNA, by designating sufficient sites for housing development at appropriate densities to accommodate the projected needs of lower-income households in the City of Banning.

Finding No. 2: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact: The proposed Housing Element Update will encourage and facilitate the maintenance, improvement, and development of housing needed to serve the City's current and projected population during the 2021-2029 planning period, as required by state law. Further, the Initial Study/Negative Declaration prepared for the proposed Housing Element Update concludes that the proposed Update will not result in any new significant environmental impacts.

Finding No. 3: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact: State law requires each city to identify adequate sites for housing commensurate with the Regional Housing Needs Assessment (RHNA). The proposed Housing Element Update, and future amendment of the Land Use Element after certification of the proposed Housing Element Update by HCD, will ensure an appropriate balance of land uses by designating sufficient sites for housing consistent with the City's RHNA for the 2021-2029 planning period.

Finding No. 4: That in the case of an amendment to the General Plan Land Use Map, the subject parcel(s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: Pursuant to CEQA, an Initial Study/Negative Declaration (IS/ND) was prepared for the proposed Housing Element Update. The IS/ND concluded that with the mitigation measures identified in the previously adopted General Plan EIR, development of the sites will not result in new significant impacts regarding access, utilities, land use compatibility or other potential environmental effects.

SECTION 3: PLANNING COMMISSION ACTION - Recommendation for Approval of General Plan Amendment 23-2502: Based on the foregoing, the Planning Commission

of the City of Banning hereby recommends that the City Council approve General Plan Amendment 23-2502, and adopt the proposed Housing Element Update.

PASSED, APPROVED, AND ADOPTED this 6th day of December, 2023.

Richard Krick, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Steven Flower, Assistant City Attorney
Richards, Watson & Gershon

ATTEST:

Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2023-19, was duly adopted by the Planning Commission of the City of Banning, California, at an adjourned regular meeting thereof held on the 6th day of December, 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California